IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 7TH JULY 2006 / 16TH ASHADHA,1928

Bail Appl..No. 4088 of 2006

CC.1427/2003 of J.M.F.C.-I, ALUVA
(CRIME NO.311/2002 OF THRIKKAKARA POLICE STATION)

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PETITIONER/ACCUSED:

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1. AZAD. K.A., S/O. AZEEZ, AGED 32 YEARS,
KAIPPALLIPPARAMBIL HOUSE, KALOOR DESOM,
ELAMKULAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

2. SIBU, S/O. SIMON, AGED 28 YEARS,
PUTHUSSERY HOUSE, NETTOR P.O.,
MARADU VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

3. ANSARI, S/O. SAINUL ABIDEEN,
AGED 29 YEARS, KAIPPILLILPARAMBIL HOUSE,
KALOOR P.O., ELAMKULAM VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4088/2006

DATED THIS THE 7TH DAY OF JULY, 2006

O R D E R

The petitioners are the accused in C.C.No.1427/2003 on the file of the Judicial Magistrate of First Class-I, Aluva. The Magistrate issued summons to the accused. The petitioners entered appearance and filed petitions to condone their absence, on that day. The case was adjourned to 8.6.2006 for appearance of the petitioners. It is submitted that because of the wrong noting of the posting date by the clerk of the counsel, there was no appearance. Hence a non bailable warrant was issued. The petitioners apprehend remand on their appearance. Hence this application, under Section 438 Cr.P.C.

2. After hearing both sides, I direct the petitioners to appear before the Judicial Magistrate of First Class-I, Aluva, on 18.7.2006 at 11.00 a.m., and move an application for bail, after serving copy of the same to the

Prosecution. The learned Magistrate shall consider the bail application, and pass appropriate orders on the same day itself, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs